

# DDS MESSENGER

Volume II, Issue 1



District of Columbia Department on  
**Disability Services**  
*New Heights for Work and Living*



## Message from the Director

Greetings. As we enter this New Year, let us all take time to embrace the hope and change that promise to be the signature phrase for 2009.

The excitement and the hope for change that surrounds the election and inauguration of President Barack Obama

should energize each of us toward seeking and fulfilling positive changes in our lives and work.

The new President has declared himself a friend to the District of Columbia and will help empower us as a city and as individuals to make gratifying changes in our own lives and the lives of those whom we serve.

We are going to embrace this new hope as we work to improve the lives of our individuals. In 2009, as an

agency, we plan to focus our energies on several key areas, including:

- More aggressive outreach to the business community to improve employment opportunities for individuals;
- Enhancing the health and ensuring the safety of our individuals, and
- Improving employee training opportunities and uplifting employee morale.

I know we can build a stronger foundation as we move into this New Year and that we are all encouraged and inspired by the promise of hope and the vision for change.

*Judith Heumann*

## Community Forum Looks At Proposal to Replace DDA Law

By Robert Williams  
DDS Special Assistant

About 100 community stakeholders and advocates attended a forum, designed to introduce to the disability community the first draft of legislation to replace DC Law 2-137, the 30-year old statute that currently governs services provided by the Department on Disability Services Developmental Disabilities Administration (DDA).

The forum was held Saturday, January 10, 2009 at The Kennedy Institute and hosted by Project Action and the DDS Management Advisory Council (MAC) Legislative Committee. The proposed legislation, The Developmental Disabilities Reform Act of 2009 (DDRA), was drafted by the Committee, at the urging of the District Council, self advocates, families and others.

When it was first passed in 1979, DC Law 2-137 aided in the closing of Forest Haven by creating one of the first community services systems for persons with intellectual disabilities in the nation. However, the law set up a system that is facility-based and undercuts new District efforts to implement best practices for supporting people with intellectual and developmental disabilities and their families.

The first draft of the legislation is based on input from a series of community meetings and focus groups during 2007 - 2008 that solicited guidance and advice from about 200 self advocates, family members, advocates, court appointed attorneys, providers and others.

In December 2007, the District Council held a hear-



*Community Forum (cont.)*

ing, then approved a resolution that outlined key principles the new legislation should embrace.

The proposed legislation outlines requirements that recognize people with intellectual and developmental disabilities as full citizens with all the rights, privileges and protections of any other citizen. It would create new processes for intake, assessment, service planning and other key functions that would give people greater choice and control over their lives.

The proposed eligibility section also addresses two key concerns. First, it would require that anyone who receives DDA services today would continue to receive services for their entire lives. Second, the draft section also proposes to expand the group of people supported by DDA by extending eligibility to people with any severe, lifelong disability due to one or more mental or physical impairments acquired before age 22 and would provide services over their entire lifespan.

The proposed eligibility requirements also would enable children with intellectual and developmental disabilities and their families to receive community living from DDA.

The new eligibility requirements would be phased in over a two year period after the legislation becomes law and after a community planning process takes place.

Similarly, the proposed intake process would eliminate the admissions and commitment processes. Instead, people will be made known to the court and offered support from a paid advocate and/or an attorney.

Additionally, the draft legislation provides for a DDS internal grievance system for individuals with complaints, improved background checks on those who work with individuals and creation of a registry of those terminated for abuse, improved quality standards led by DDS, interagency coordination, and better alignment with Federal law to enhance funding opportunities.

Stakeholders are invited to future forums to seek feedback on ways to improve upon the draft. A public web blog has been created to track progress and events connected with this legislative effort. The blog address is <http://dc-ddleg.blogspot.com/>.

## RSA Vendor Program Hosts Ribbon Cutting

The Rehabilitation Services Administration's (RSA) Randolph Sheppard Vending Facility Program (RSVFP) held a ribbon cutting ceremony to celebrate the remodeling/reopening of an existing vending facility located in the U.S. Department of Treasury-Liberty Building.

About 200 people attended the ceremony for the facility, including Roy Albert, DDS Deputy Director for RSA, Edna Johnson, Blind Services Program Manager, for the Blind and Visually Impairment Unit, and Tiffani Harris-Davis, RSVFP Program Manager.

The facility is operated by Brenda Beaty, a Washingtonian for over 50 years and a seasoned



Department on Disability Services Rehabilitation Services Administration officials attend the Grand Re-Opening of the Liberty Café, operated by a vendor trained in the RSA Randolph Sheppard Blind Vendor Program. From left to right are Edna Johnson, RSA Program Manager for the Blind & Low Vision Division; Brenda Beatty, Blind Vendor; Roy Albert, DDS Deputy Director for RSA; Tiffani Harris-Davis, RSA RSVFP Program Manager; and Tracie Middleton, U.S. Department of Treasury Liberty Building. (Photo by Troy Canady)

licensed blind vendor. Ms. Beaty is a graduate of the RSA sponsored, Howard University-Randolph Sheppard Vending Facility Program Small Business Administration (SBA) Program, where she earned her SBA Certification as a small business owner in the spring of 2005. Ms. Beaty is also the Chairwoman of the elected Blind Vendor Committee and maintains an active role in the blind and low vision community.

"Brenda's unquenchable thirst for knowledge has helped make her an outstanding licensed manager of

over 8 different Randolph Sheppard facilities over the last 30 years,” said Tiffani.

The renovated facility, called the “Liberty Café” provides hot and cold sandwiches made to order, coffee, beverages, sundry and other convenience store products to the people working in the Treasury Department.

“Ms. Beaty’s impeccable service history, entrepreneurial spirit, and commitment to personal customer service makes for a recipe the employees at Treasury will instantly appreciate,” said Roy Albert, RSA Deputy Director

The RSVFP program was implemented under the Randolph Sheppard Act of 1936, which established the Business Enterprise Program for people who are blind. An amendment in 1974 ensured that vendors who are blind would have priority or “first right of refusal” to operate in government food service facilities.

Vendors who are blind currently operate in 39 federal government facilities, including the U.S. Departments of Treasury, Education, and dozens of other federal agencies. Efforts are now underway to develop vendor operations in District Government buildings.

*For more information, contact Tiffani Harris-Davis at (202) 442-8444.*

## Update on The Evans Litigation

*By Mark Back  
Acting General Counsel*

I last provided an update on the Evans litigation in the May 2008 agency newsletter. Since that time, the co-Special Masters (1) issued their report and recommendation to the Court on the agency’s compliance with the terms of the Order of September 12, 2007; and (2) held a three-day hearing on the issue of remedy in connection with the plaintiffs’ motion for a receivership. These more recent events are described below.

As you may recall, the Court ordered the parties to meet with the co-Special Masters in August 2007 “to develop and submit for the Court’s approval an agreed-upon order setting forth a limited number of concrete, short-term goals relating to retaining and increasing the number of qualified providers and improving the health and safety of class members.”

The parties met with the Special Masters and developed and submitted for the Court’s approval five goals relating to retaining and increasing the number of qualified providers and eight goals relating to improving the health and safety of class members as set forth in the six-page Order dated and filed on September 12, 2007 (“September 12th Order”).

In August 2008, the Special Masters filed with the Court their “Special Masters’ Report & Recommendations Regarding Defendants’ Compliance with the Consent Order of September 12, 2007.” The Special Masters found substantial compliance with only seven of 13 goals in the September 12th Order.

The Special Masters concluded that the District submitted evidence of substantial compliance for only three of five provisions for retaining and increasing providers – finding that the District had provided a cost of living adjustment to ICFs/MR (1.a.), provided technical assistance to providers (1.d.), and implemented provider incentives (1.e.); but that the District had not recruited five new providers (1.b.), or streamlined the provider application process (1.c.).

The Special Masters also concluded that the District submitted evidence of substantial compliance for only four of eight provisions for improving health and safety – finding that the District had conducted the Support Intensity Scale assessments (2.a.), implemented the Basic Assurance Standards Authorization reviews (2.c.), identified poorly performing providers (i.e. Watch List) (2.e.), and implemented mortality investigations recommendations (2.h.).

The Special Masters concluded that the District had not fully implemented the health care review process for 25 at-risk class members (2.b.), implemented the second physician extender program (2.c.), expedited guardianships for health-care decision-making (2.f.), or completed the investigations training and root cause analysis (2.g.).

The District filed its objections to the Special Masters' report and recommendations, and the Court has not issued its final order on the issue of defendants' compliance with the September 12th Order.

The Court also continues to deal with the motion filed by the plaintiffs in May 2006 seeking to have a Court-appointed receiver oversee services to the Evans class members. In March 2007, Judge Huvelle issued an 85-page Memorandum Opinion, along with a single-page Order, granting in part on the issue of liability the plaintiffs' motion to find the defendants in noncompliance with the "2001 Plan for Compliance and Conclusion of Evans v. Williams" ("2001 Plan").

The Court found "that defendants have failed to comply with existing Court Orders in the core areas of health, safety, and welfare." However, the Court decided to consider separately the issues of liability (i.e. whether defendants were in noncompliance with the 2001 Plan) and remedy (i.e. what the Court should do about defendants' noncompliance with the 2001 Plan).

The parties conducted discovery on the issue of remedy during the summer months. In December 2008, the Special Masters held a three-day hearing on remedy in Judge Huvelle's courtroom in the federal courthouse. The Special Masters heard testimony from twelve witnesses: the plaintiffs called two expert witnesses and two fact witnesses, and the District called three expert witnesses and five fact witnesses.

The parties will be providing the Special Masters on January 30, 2009, with proposed findings of fact and conclusion of law on the issue of remedy based on the testimony at the three-day hearing. Oral argument before the Special Masters is scheduled for February 9, 2009. The Special Masters will provide the Court with a report and recommendation sometime thereafter.

The Court has scheduled a status conference in Judge Huvelle's courtroom on March 12, 2009, at 2:00 pm.



## DDA Examining Improvements To Medicaid Waiver Program



Arun Natarajan, has been hired as the Supervisory Medicaid Wavier Specialist and will work with Kenneth Cabral, Developmental Disabilities Operations Division Director, to usher in new amendments to improve services to individuals.

The Medicaid Waiver is a federally funded program that provides persons with disabilities greater dignity and independence in planning their own lives, living where they choose with support services in place, preparing for employment and receiving ongoing support to help widen their options.

The Waiver currently serves about 1,200 District residents with intellectual disabilities.

Among its many objectives, the Medicaid waiver enables families to stay together with necessary supports, offers new opportunities for people to live with others in family settings, provides increased assistance in obtaining employment, as well as financial support to adapt a car or home for greater accessibility.

The services provided range from personal care or live-in assistants, occupational, music, art, dance or massage therapy, job training and support, host home, respite care services, day habitation, and more.

Arun comes to DDS from the National Medical Children's Center where he served as a controller of grants and projects for the past three years. He also spent five years in the nonprofit sector in the District, working in finance, grants management and contracts.

"I'm looking forward to working to increase the level of service functioning and opportunities to provide greater customer-driven and higher caliber ser-



vices,” said Arun. The District native and his wife have two children, a girl age 17 months and a boy, age 3.

## MFP Grant Moving Individuals Into Smaller Home Settings



The Department on Disability Services Developmental Disabilities Administration is moving forward to implement a grant award that will enable eligible older residents and persons with disabilities to move from institutional settings to smaller home settings.

The three-year grant, entitled “Money Follows the Person Program” (MFP), was awarded by the U.S. Health and Human Services Centers for Medicare and Medicaid Services. A Project Coordinator, Sakena McWright, has been hired.

Sakena is working directly with Special Assistant Robert Williams and Service Coordinators to achieve the goals of the grant to move individuals into smaller homes by 2012. In just a few weeks, the MFP has already moved several individuals into smaller residences and is planning additional moves.

The program, dubbed “New Choices,” will support individuals in making decisions related to where and with whom to live, which supports they receive and which activities they participate in.

The MFP grant is expected to enhance the Department’s recently achieved major milestone of having a majority (58%) of DDA consumers served through the Medicaid Waiver now living in smaller home settings rather than in institutional settings.

Sakena, a native of Chicago, worked in the Washington, DC area previously, and returned once her husband relocated to accept a new position. Sakena, who has worked for several agencies as a program manager, a case manager, an Information

and Referral supervisor, and an intake specialist, looks forward to her new duties at DDS.

“We want to support as many people as possible who want to move into smaller home settings,” said Sakena. “I look forward to the opportunity because the goal is to give people a choice who have had limited choices, and to springboard them to have more opportunities in their lives.”

Sakena also works closely with D.C. Department of Health Care Finance MFP staff, including Project Director, Dr. Sheila Jones; Alphina Dumbaya, Outreach Coordinator; and Pamela Alston, Research Assistant.

## DDS Has a Logo, Tag Line

The Department on Disability Services now has a logo, created specifically for the agency to offer a fresh, creative and upbeat approach to capture the spirit of services offered to the District’s disability community.

The logo design was developed after a focus group meeting with DDS employees, consumers, parents, advocates and disability community representatives, and was selected by the DDS Executive Team.

The logo provides the agency with an immediate, recognizable identity and will be used on all publications, posters and other public documents.



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## D.C. Council Sets DDS Hearing Date

District Councilmember Tommy Wells (D), Chairperson of the Committee on Human Services, will hold oversight hearings on the Department on Disability Services at 10 a.m., Thursday, February 19, 2009 at the John A. Wilson Building, 1350 Pennsylvania Ave., NW. The hearing is held annually to review agency performance.

## DDS Meets with Metro, Plans Consumer Trainings

D.C. Department on Disability Services officials have been meeting with representatives of the Metro transit system to ensure a smooth transition for consumers to Metro's new "paperless" bus and rail transfer process.

"Metro will work with DDS to provide training to consumers and providers on how to use the *SmarTrip*® electronic fare card, and how to use tokens purchased by DDS at a discount to load the cards," said Bill Davidson, Support Services Supervisor. "We will schedule training sessions in the near future at the Metro offices and will notify our consumers and providers to invite them to the trainings."

As of early January, paper transfers from bus operators and from the transfer machines in Metrorail stations are no longer available. Only passengers who pay with *SmarTrip*® will continue to be able to transfer from one bus to another for free.

In addition to Metrorail and Metrobus, passengers can use *SmarTrip*® to pay for travel on regional bus systems including ART, CUE, DASH, Ride On, Fairfax Connector, Loudoun County Transit, PRTC, The Bus and the DC- Circulator, and for parking at Metro parking facilities.

### MetroAccess

Metro also announced it is planning to replace and

expand its fleet of MetroAccess vehicles during the next five years to keep up with a steady increase in ridership and improve the reliability of its services for people with disabilities.

Metro approved a plan to replace the current 458 MetroAccess vehicles and expand the fleet. The fleet plan calls for 115 MetroAccess vehicles in FY2009, 341 vehicles in FY2011, 365 vehicles in FY2012 and 363 vehicles in FY2013.

Metro also is assuring the accessibility of Metrobus and Metrorail by including a number of accessibility features on its buses and trains designed specifically to help people with disabilities travel independently throughout the Washington region. Metrobus and Metrorail are fully accessible to people with disabilities who can use accessible, fixed-route service.

*SmarTrip*® cards can be purchased on Metro's Web site, by mail, and at 85 Metro sales offices. For more information about MetroAccess and the accessibility of Metrobus and Metrorail, visit <http://www.wmata.com/accessibility/>

## Quality Trust, DDS Co-Sponsor Disability Support Conference

*By Phyllis Holton*

*Quality Trust*

*Training and Information Coordinator*

Quality Trust coordinated the Second Annual Disability Support Professionals Conference in October with more than 98 disability support professionals including personal aides, house managers and QMRPs, along with professionals from over 10 District service provider agencies.

The conference, "Partnering to Develop Tomorrow's Leaders," was held in collaboration with the DC Coalition of Providers for persons with Intellectual and Developmental Disabilities and the DC



Department on Disability Services.

DDS Director Judith Heumann along with Tina Campanella (Quality Trust), Arthur Ginsberg (DC Coalition); Ricardo Thornton (Project ACTION!), and Councilmember Tommy Wells (DC Council) shared welcome remarks with the attendees and emphasized and acknowledged the importance of the role of the disability support professionals in assisting people with disabilities to achieve positive outcomes in life.

During a morning panel, "Making a Difference Everyday," participants talked about the importance of their work and how much it means to them to make a difference in the lives of the people they support.

Breakout sessions were held on a number of topics, including on Disaster Readiness, Effective Documentation, Self-Determination, Put the Person in the Center, and more.

The keynote address was presented by Julia Michelle Johnson, Interim State Director of the Adult and Family Education, Office of the State Superintendent of Education (OSSE) office. Ms. Johnson worked in the developmental disability field for over 12 years.

Closing remarks were given by Laura L. Nuss, DDS Deputy Director of the Developmental Disabilities Administration. Ms. Nuss discussed the importance of disability support professionals and continuing professional development opportunities, such as the DSP Conference.

A Conference Planning Committee is forming to plan another conference for 2009.

For more information, contact Phyllis Holton at [pholton@dcqualitytrust.org](mailto:pholton@dcqualitytrust.org) or Amy Brooks at [abrooks@rcmofwashington.com](mailto:abrooks@rcmofwashington.com).

## DCPL Offers Free Sign Language Courses

Did you make a New Year's resolution to learn a new language? How about American Sign Language? The D.C. Public Library has announced its 2009 winter and spring schedule for "Let's Communicate in American Sign Language."

All classes will be held at the

## Martin L. King Memorial Public Library at 901 G St., NW.

### Beginners' level classes are at

5:30 – 7 p.m.

Mondays and Wednesdays

### January 12 – March 11

From 5 – 7 p.m.

Every Thursday

### January 15 – April 2

and 5:30 – 7 p.m.

Every Monday and Wednesday

From March 16 – May 11

### Intermediate level classes are available

5:30 – 7 p.m.

Mondays and Wednesdays

### January 12 – March 11

and 5:30 – 7 p.m.

Mondays and Wednesdays

March 16 – May 11

### Conversational level classes will be held

10 a.m. – Noon

Saturdays

From February 7 – May 23.

### There is no need to register—just show up.

For more information, contact Library Services to the Deaf Community at (202) 727-2145 for voice or video phone, or (202) 727-2255 (TTY).

# Welcome Aboard to New Employees

*Please welcome the following new employees at the Department on Disability Services:*

**Rathapol Chullanadana**  
Supervisory Social Insurance  
Specialist

**Malaka Ware**  
Social Insurance Specialist

**Ericka Jackson**  
Staff Assistant

**Maxine Hutson**  
Staff Assistant

**Inga Dease**  
Vocational Rehabilitation Specialist

**Robert Johnson**  
Vocational Rehabilitation Specialist

**Trina Thompson**  
ASL Interpreter

**Dena Davis**  
Vocational Rehabilitation Specialist

**Sakena McWright**  
Project Coordinator

**Arun Natarajan**  
Supervisory Medicaid Wavier  
Specialist

**Stephen Onley**  
Social Worker

**Troy Canady**  
Staff Assistant

**Donald Mathews**  
Investigator

**Kenneth Barrington**  
Investigator

**Crystal Poindexter**  
Investigator

**Shanetha Gaines**  
Investigator

**Danae Williams**  
Vocational Rehabilitation Specialist

**Irvin Scott**  
Service Coordinator

**Khaleel Fawahenimi**  
Financial Services Technician

**Paula Lee**  
Administrative Specialist

**Samuel Conyers**  
Administrative Specialist

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